

JUN 24 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Pouchak Confirmation No.: 3616  
Serial No.: 10/643,376 Examiner: Harry B. Tanner  
Filing Date: August 18, 2003 Group Art: 3744  
For: THERMOSTAT HAVING MODULATED AND NON-MODULATED PROVISIONS  
Docket No.: H0005578 (1161.1125101)

PRELIMINARY AMENDMENT

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Lynn Thompson June 24, 2005  
Lynn Thompson Date

This Preliminary Amendment is being filed in response to the Official Action of the Examiner mailed March 24, 2005, and in response to the Advisory Action mailed June 24, 2005. *Please enter this Preliminary Amendment prior to the next action on the merits. Applicant respectfully requests non-entry of the Amendment-After-Final that was filed on May 23, 2005.*

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.